

VICTOR TAGLE,	)	
	)	
Petitioner,	)	3:13-cv-00318-HDM-WGC
	)	
vs.	)	
	)	
RENEE BAKER,	)	ORDER
	)	
Respondent.	)	

An appeal of this decision requires issuance of a certificate of appealability. 28 U.S.C. § 2253(c)(1); Fed. R. App. P. 22. Generally, a petitioner must make “a substantial showing of the denial of a constitutional right” to warrant a certificate of appealability. 28 U.S.C. § 2253(c)(2); *United States*

1 v. *Mikels*, 236 F.3d 550, 551-52 (9th Cir. 2001); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). This  
2 Court has considered the issues raised by petitioner, with respect to whether they satisfy the standard for  
3 issuance of a certificate of appealability. The Court has also considered whether this procedural ruling  
4 would be debatable among jurist of reason and determines that would not be the case. The Court will  
5 therefore deny petitioner a certificate of appealability.

6 **IT IS THEREFORE ORDERED** that this action is **DISMISSED without prejudice**. The  
7 Clerk shall provide petitioner a copy of his petition (ECF No. 1-1).

8 **IT IS FURTHER ORDERED** that all pending motions are **DENIED**.

9 No certificate of appealability will issue as to this dismissal for failure to comply with the orders  
10 of the Court. The Clerk shall enter judgment accordingly.

11 Dated this 7<sup>th</sup> day of August, 2013.

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UNITED STATES DISTRICT JUDGE